

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)
) Case No. 1:23-CR-00099-4
) (LJV) (JJM)
 Plaintiff,)
)
 vs.) January 10th, 2024
)
 MICHAEL RONCONE,)
)
 Defendant.)

**TRANSCRIPT OF DETENTION HEARING
BEFORE THE HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE**

APPEARANCES:

For the Plaintiff: TRINI E. ROSS
UNITED STATES ATTORNEY
BY: CASEY CHALBECK, ESQ.
NICHOLAS COOPER, ESQ.
ASSISTANT UNITED STATES ATTORNEYS
138 Delaware Avenue
Buffalo, NY 14202

For the Defendant: LAW OFFICE OF PAUL G. DELL
BY: PAUL G. DELL, ESQ.
70 Niagara Street
Buffalo, NY 14202

Audio Recorder: ERIC GLYNN

Other witness: JOHN RONCONE, Father of Defendant

Transcriber: MEGAN E. PELKA, RPR
Robert H. Jackson US Courthouse
2 Niagara Square
Buffalo, NY 14202
(716) 229-0880

Proceedings recorded with electronic sound recording,
transcript prepared with computer-aided transcription.

1 THE CLERK: On the record in criminal proceeding
2 23-CR-99, United States v. Michael Roncone, for a detention
3 hearing. Present in the courtroom are Assistant US Attorneys
4 Casey Chalbeck and Nicholas Cooper, Defendant Mr. Roncone with
5 Attorney Paul Dell. United States Probation Officer Brian
6 Mamizuka. The Honorable Jeremiah J. McCarthy presiding.

7 THE COURT: Good afternoon again, everyone. Counsel,
8 have you both received or have you all received the updated
9 Pretrial Services report dated today's date?

10 MR. DELL: Yes, Your Honor.

11 MS. CHALBECK: Yes, Your Honor.

12 THE COURT: Okay. Now, just, in the interest of
13 proceeding, not reinventing the wheel, I recognize we do have
14 new charges. But, Mr. Cooper, I appreciate your providing me
15 with the transcript of the argument before Judge Wolford on
16 December 21st of last year. That was an unofficial
17 transcript, but close enough, I think.

18 MR. COOPER: That's correct, Judge, and I included
19 Mr. Dell on the email. He was present for the argument,
20 obviously. And then, we gave the Court all the exhibits that
21 were in front of Judge Wolford.

22 THE COURT: Yes. Yes. Right. So, I have reviewed
23 that transcript. I also reviewed the transcript of the
24 detention hearing before Judge Schroeder. So, as I see
25 things, and I am open to somebody telling me differently, but

1 the difference between then and now is, essentially, that we
2 now have an indictment, which adds the conspiracy charge,
3 Count 1, but the other two charges are similar to what he was
4 charged with at the complaint stage.

5 MS. CHALBECK: That's correct, Your Honor. One of
6 the changes is that there has been an indictment. That
7 indictment does charge an obstruction of justice conspiracy.

8 THE COURT: Right.

9 MS. CHALBECK: But, in addition to just that charge
10 from the indictment, we also have more specific evidence,
11 evidence that we were not necessarily able to proffer to Chief
12 Judge Wolford in the last proceeding, that stems from a search
13 of Mr. Roncone's phone.

14 And so, that evidence, coupled with the charge -- and
15 then, I would submit additional evidence regarding the
16 specific transaction of calls or nature of calls between
17 Mr. Roncone and other individuals pertinent to this
18 investigation would be the new and arguably material
19 information that we think justifies reopening the detention
20 hearing.

21 THE COURT: Okay. But just -- I understand, and
22 you'll have that right, but I just want to focus our
23 presentation today on the new evidence. Because, in front of
24 Judge Wolford, and I believe in front of Judge Schroeder, at
25 least in front of Judge Wolford, there was considerable

1 argument by the Government about the alleged murder and his
2 involvement in that. So, she considered that.

3 Now, if you're telling me you have new evidence, you know,
4 that can be part of your proffer, and we'll take it from
5 there. What I didn't want is a presentation to me as though
6 we're starting from scratch.

7 MS. CHALBECK: Absolutely, Your Honor. And one of
8 the goals behind giving the transcript and also the exhibits
9 is just so that you would be -- the Court would be informed of
10 the prior proceeding.

11 THE COURT: And I appreciate that.

12 MS. CHALBECK: And that we wouldn't have to go
13 through extensive proceedings in this round.

14 THE COURT: Right.

15 MR. DELL: And, Judge, I would also just like to note
16 that much of the hearing in front of Judge Welford was about
17 his speculation of Mr. Roncone's involvement in the death of
18 Crystal Quinn. I would note that he wasn't even charged with
19 that in this indictment. It charges obstruction of justice.
20 There's no allegation that he was involved in her death at all
21 in the indictment.

22 THE COURT: Okay. Well, yeah. We'll take that up, I
23 guess. And, counsel, you can present from counsel table or
24 from the podium, whichever you prefer.

25 MS. CHALBECK: May I use the podium?

1 THE COURT: Sure.

2 MS. CHALBECK: So, Your Honor, I want to set the
3 table a little bit with respect to the proceeding before
4 Chief Judge Wolford.

5 In pages 82 through 84 of the draft transcript, and
6 understanding for the record that this is not the official
7 transcript, Chief Judge Wolford honed her analysis on
8 Mr. Roncone's risk of flight and his danger to the community.
9 But, of course, the government here, in moving to reopen the
10 detention hearing, also is -- one of the bases for detention
11 the government is alleging is that he presents a serious risk
12 that he will obstruct justice if released on conditions.

13 I believe that that is a basis that was alleged in the
14 prior detention hearing. However, Chief Judge Wolford
15 believed that, because the conduct going to obstruction was
16 uncharged, the conduct that is now charged in the indictment,
17 that she was only going to consider risk of flight and danger
18 to the community. And those specific comments are on page 82
19 of the draft transcript. So, I kind of just want to set the
20 table here for you --

21 THE COURT: Well, I don't -- I mean, as I read it, I
22 thought she had some concerns about danger. She -- at the
23 bottom of page 82, for example, she said the most troubling
24 aspect about it is the death of Ms. -- and, in my transcript,
25 there's a lot of abbreviations that -- but we know who we're

1 talking about. She was somewhat troubled by that, but she
2 also imposed conditions, and I think Judge Schroeder did. But
3 at least she did say, for example, that he can have no
4 affiliation with the motorcycle club, any motorcycle club. He
5 can't have any contact with any other defendant.

6 And all of this is secured by significant amounts of
7 money, as I see it; the posting of the father's property in
8 the amount of \$100,000, and then, on top of that, another
9 \$100,000 cash. So, I didn't view this as solely a risk of
10 flight analysis.

11 MS. CHALBECK: That's correct, Your Honor. And I'm
12 sorry. I thought I had mentioned that she also focused on
13 risk of danger to the community.

14 THE COURT: Right.

15 MS. CHALBECK: But my point in setting the table that
16 way was to tee up this point, which is that, Chief Judge
17 Wolford did not consider the serious risk of obstruction of
18 justice, which is a basis for the conclusion, that the
19 government certainly is moving for today.

20 THE COURT: Okay.

21 MS. CHALBECK: And the reason why she -- as I
22 understand it from the transcript, that she did not give much
23 weight to evidence going to obstruction was because she
24 thought that doing so would be a misapplication of the Bail
25 Reform Act. And those comments are detailed, I think, on

1 pages --

2 THE COURT: Yeah. She said a couple times turning it
3 on its head or something to that effect. By the way, were you
4 at that argument or Mr. Cooper argued that? Were you there as
5 well or no?

6 MS. CHALBECK: I was not there, Your Honor.

7 THE COURT: Okay. Okay.

8 MS. CHALBECK: And so, the problem -- just assuming
9 arguendo that it is a problem, the problem that Chief Judge
10 Wolford identified in that last detention hearing doesn't
11 exist anymore because the obstruction offense is now charged
12 in the second superseding indictment. So, I just kind of
13 wanted to get that teed up and the legal framework established
14 for Your Honor's consideration.

15 THE COURT: Okay.

16 MS. CHALBECK: There are two -- three dates, really,
17 that I want to focus this presentation on; August 2nd and
18 August 3rd and then, October 24th. One of Mr. Roncone's co-
19 defendants, Frank Knight, late into the evening on August 2nd,
20 reached out to Mr. Roncone and indicated to him that he wanted
21 to speak on the phone. This was through a text message.

22 He says to Mr. Roncone -- he indicates that something
23 happened in Wellsville. He says, quote, a lot at first, but
24 nothing major. That's something that he says after a woman
25 died across the street from his house. And then, quote, give

1 me a call when you can if you have a free minute. Phone
2 records then show that Mr. Roncone and Mr. Knight had a phone
3 call. Now, I want to move to August 3rd. August 3rd --

4 THE COURT: August 3rd?

5 MS. CHALBECK: Yes. So that --

6 THE COURT: So, the first day was August 2nd?

7 MS. CHALBECK: The first day is August 2nd.

8 THE COURT: Right.

9 MS. CHALBECK: That exchange that I just proffered
10 about occurred late into the evening on August 2nd.

11 THE COURT: All right.

12 MS. CHALBECK: Now, I want to move to August 3rd.
13 August 3rd is an important day because the FBI goes to
14 Wellsville and interviews a number of individuals, including
15 Frank Knight. After that interview, Mr. Knight called
16 Mr. Roncone at approximately 4:30 p.m. That's a 14-minute
17 phone call. And the times are important. I'll get to why.

18 Within minutes of that call's conclusion, Mr. Roncone
19 called an individual. I am not going to proffer this
20 individual's name. He called an individual who, at minimum,
21 is associated with multiple members of the Rare Breed
22 Motorcycle Club.

23 At 5:18, so we're still within an hour from when
24 Mr. Knight called Mr. Roncone, Mr. Roncone called a number
25 that law enforcement believes, based off of database

1 inquiries, is associated with an identified RBMC member.

2 So, just so that the record is clear, and so everyone
3 understands kind of the timeline, Mr. Knight is interviewed by
4 the FBI. What happens in an interview? In the FBI asks
5 someone questions, they give answers. Those questions, of
6 course, are important to understanding what the FBI might be
7 thinking about. And, as I think Mr. Cooper proffered
8 previously, some of those questions, most of them, involve the
9 death of this federal witness, Crystal Quinn. It's why the
10 FBI was there.

11 So, that interview occurs. Mr. Knight then calls
12 Mr. Roncone. As alleged in the indictment, he also goes to
13 Howard Hinkle's home to have an in-person conversation with
14 him. Then, Mr. Roncone calls someone associated with the RBMC
15 or with members of RBMC. And just so that the record is
16 clear, RBMC refers to the Rare Breed Motorcycle Club.

17 And then, after that call, he calls an identified member
18 of the Rare Breed Motorcycle Club. That first call, based on
19 the call details records, it does not appear that that call
20 was answered. So, then, Mr. Roncone called another
21 individual. The name of that individual is -- that individual
22 has the same last name as the identified RBMC member that
23 Mr. Roncone had, just moments earlier, attempted to call.

24 So, Your Honor can infer that that's the same person as he
25 had previously attempted to call. And they have a call that

1 lasts about 12 minutes. So, recall that the conversation,
2 initial conversation with Mr. Knight and Mr. Roncone, lasted
3 14 minutes. Then, we have a 12-minute conversation, roughly
4 the same amount of time.

5 Then, at 5:43 p.m., so we're now out, like, an hour and 15
6 minutes after that night call, Mr. Roncone called his father.
7 His father, as Your Honor knows, is a member of the RBMC. He
8 is believed to be the Buffalo Chapter president of the RBMC;
9 certainly, has leadership in that organization. After that
10 call, Mr. Roncone calls a number associated with another
11 identified member of the RBMC.

12 At 6:03 p.m., Mr. Roncone sends a text message to Frank
13 Knight. And that text message is important.

14 THE COURT: Is this in the folder that --

15 MS. CHALBECK: It is, Your Honor, and I provided
16 Mr. Dell a copy of this exhibit.

17 Mr. Roncone sent a text message to Mr. Knight
18 screenshotting Crystal Quinn's social media profile and asking
19 him, is this the girl? This is Government Exhibit Number 1,
20 labelled January 10th, 2024. Just going to show you this
21 exhibit, and I want to assume that something (inaudible) a
22 screenshot. What's the time there? It's 5:45.

23 So, 5:43, Mr. Roncone calls his father. At 5:45, he's
24 looking at Crystal Quinn's social media, screenshots it 6:03.
25 He sends it to Frank Knight. And just so that the record is

1 clear about these timelines, submitting into evidence
2 Government Exhibit 2 that's labelled January 10th, 2024, you
3 can see here there is a number identified as belonging to
4 Mr. Roncone. The contact is labelled, Cone Money. That
5 refers to Mr. Roncone.

6 The time stamp is 6:03 p.m., and it includes Frank Knight
7 was calling and texting that looks here from the cell phone
8 extraction it has been filed. But we know from further
9 investigation into the phones that that is the screenshot that
10 Mr. Roncone sent to Mr. Knight. How does Mr. Knight respond?
11 He says, yes, that's the girl.

12 THE COURT: Wait, wait, wait. Where does he -- is
13 this on Exhibit 2?

14 MS. CHALBECK: It is on Exhibit 2, Your Honor. It is
15 at the very bottom.

16 THE COURT: Okay. Okay. So, Mr. Roncone is texting
17 Mr. Knight with an attached picture of Crystal Quinn and he
18 says, is this the girl? And then, Mr. Knight responds, yes.

19 MS. CHALBECK: That's correct, Your Honor.

20 THE COURT: Correct? Okay.

21 MS. CHALBECK: Or at least that is what the phone
22 evidence shows. That is what law enforcement believes to be
23 correct.

24 THE COURT: Okay.

25 MS. CHALBECK: Then, at 6:11, it looks like

1 Mr. Roncone and Mr. Knight have a call. They speak for
2 approximately two minutes.

3 Then, following this conversation, Mr. Roncone calls
4 another number associated with somebody identified as, like, a
5 family member. Law enforcement, at this time, does not know
6 who specifically in the Roncone family that number belongs to.
7 However, I'll proffer before you today that multiple members
8 of Mr. Roncone's family are members of the Rare Breed
9 Motorcycle Club. Following that call, which appeared to go
10 unanswered, at 7 p.m., a number associated with another RBMC
11 member, one of the ones that Mr. Roncone had spoken to
12 previously in this period, called him.

13 So, let's just look big picture. Frank Knight and Michael
14 Roncone have a phone call. That phone call lasted 14 minutes.
15 Within the next hour and a half or so -- excuse me -- between
16 like, the next two and a half hours, sorry about that, who
17 does Mr. Roncone call? He calls multiple members of the RBMC.
18 And, as he's calling multiple members of the RBMC, within two
19 minutes after calling one particular member of the RBMC, his
20 father, he's going on Crystal Quinn's social media,
21 screenshotting it, texting it later to Frank Knight. That's
22 August 3rd.

23 THE COURT: That's, I'm sorry, what?

24 MS. CHALBECK: And what's August 3rd.

25 THE COURT: All right. Okay.

1 MS. CHALBECK: That conduct, that close nexus between
2 Frank Knight and Michael Roncone, when something occurs in the
3 investigation into Crystal Quinn's death continues. So --
4 and, Your Honor, I mentioned three dates. I'm going to add a
5 fourth date, August 8th. August 8th is an important day in
6 the investigation because the FBI executes a federal search
7 warrant on the Gogolack residence. The Gogolack residence is
8 across the street from the Knight residence.

9 That -- the execution of that search warrant occurs in the
10 early morning hours, roughly around 6 o'clock a.m. And who
11 does Frank Knight text and otherwise tell phonically
12 communicate with? Michael Roncone. And we see that
13 throughout. When there is a pertinent event occurring in this
14 investigation, Frank Knight generally is there. And one of
15 the first people he consistently contacts is Michael Roncone.

16 Now, law enforcement has not done, at this point, a deep
17 dive into the contacts for each pertinent date. Like -- which
18 is to say, after Frank Knight calls Michael Roncone, then who
19 does he call -- like, they've done for August 3rd?
20 August 3rd, I proffer to you, I think you could infer is a
21 microcosm of what we see, and we see it again on October 24th.

22 So, let's go to October 24th. The FBI has two interviews
23 with Frank Knight the morning, and kind of extending into the
24 afternoon, of October 24th. Just so that Your Honor kind of
25 understands, there was one interview. The interview

1 concluded. There was a small gap of time. Then, the FBI re-
2 interviewed Frank Knight. So, that's why there were two.

3 One of the principle pieces of information that law
4 enforcement did not have was then discovered through the
5 search -- had at the prior detention proceedings was then
6 discovered through the search of Mr. Roncone's phone. We were
7 unable -- law enforcement was unable to get into that phone, I
8 believe, until last week, and that's when a lot of this
9 information came to light.

10 So, at 11:12 a.m., Mr. Roncone received a Facebook
11 Messenger audio call from Scott Knight.

12 THE COURT: This is on October --

13 MS. CHALBECK: This is October 24th.

14 THE COURT: Okay.

15 MS. CHALBECK: And, Your Honor, I should give some
16 background as to the relevance of October 24th. On
17 October 24th, the FBI executed search warrants on Mr. Knight's
18 residence as well as it was a warrant to seize his cell phone;
19 and then, also on co-defendant Howard Hinkle's residence, also
20 to his seize his cell phone.

21 Mr. Hinkle and another individual were arrested that day
22 due to drug and firearm evidence that was discovered in the
23 course of executing the search warrant in plain view. So,
24 Howard Hinkle is somebody who is alleged as participating in
25 the conspiracy counts, the conspiracy to tamper with, and to

1 retaliate against Crystal Quinn. And so, he is an important
2 person. And this is an important day in the investigation.
3 So, that's the background to the FBI's two interviews with
4 Frank Knight.

5 At 11:12 a.m., Mr. Roncone received a Facebook Messenger
6 audio call from Scott Knight. Now, I just mentioned, Your
7 Honor, that part of that warrant on Frank Knight's residence
8 is cell phone. So, the FBI has informed me that at or around
9 11:12 a.m., that would be -- that would coincide with about
10 the end of that first interview.

11 And so, you could infer that, shortly after the conclusion
12 of that first interview, somebody associated with Frank
13 Knight, Scott Knight is his son, used his Facebook Messenger
14 to call Michael Roncone. And that call lasts approximately
15 three minutes.

16 Now, that call could have occurred because Frank Knight no
17 longer had a phone. It could have occurred because Frank
18 Knight knew that law enforcement was investigating him and
19 searching his phone and just took his cell phone, and his
20 using Facebook Messenger, which is a more surreptitious means
21 to communicate, to make contact. And I think you could infer,
22 Your Honor, that the substance of that call related to the
23 FBI's interview with Mr. Knight.

24 So, soon thereafter, there is another Facebook call
25 between Roncone and Scott Knight. It is at approximately

1 11:38 a.m.

2 THE COURT: A.m.?

3 MS. CHALBECK: A.m. And there's more. There's
4 another call at approximately 11:59, and that one lasts about
5 two minutes. That could be the time or around the time where
6 the FBI realized it needed to re-interview Frank Knight.
7 Frank Knight catches wind of this and calls Mr. Roncone.

8 This is really important. It's not something -- this next
9 call, it's not something that law enforcement knew until last
10 week, and it's not alleged in the indictment, because I
11 believe law enforcement was not aware of this until after the
12 Grand Jury returned the indictment on Friday evening.

13 At 3:10 p.m. on October 24th, there's a 14-minute call,
14 approximately 14-minute call, from Scott Knight to Michael
15 Roncone. So, at -- that would coincide with about the
16 conclusion of the second interview. And who does Mr. Roncone
17 call? He calls co-defendant John Ermin, also known as
18 Tommy O. That's, for the record --

19 THE COURT: Roncone calls Ermin?

20 MS. CHALBECK: Mr. Roncone calls John Ermin.

21 THE COURT: After the call from Scott Knight?

22 MS. CHALBECK: After the call from Scott Knight.

23 THE COURT: Okay.

24 MS. CHALBECK: This is before Frank Knight then
25 obtains a burner phone. So, when law enforcement is reviewing

1 call detail records, those records don't show Facebook calls.
2 It's not a call that anyone knew existed until getting into
3 the phone itself.

4 And it's hugely important because it supports the
5 inference that Frank Knight called Michael Roncone, told him
6 about the second FBI interview, and then, when Mr. Roncone had
7 a more fulsome idea of what occurred, what transpired in
8 Wellsville on October 24th, which is a place of interest at
9 least in terms of this investigation only because of the nexus
10 to Crystal Quinn's death, Mr. Roncone calls John Ermin, the
11 national or international president of the Outlaws motorcycle
12 club, and somebody who, as Chief Judge Wolford acknowledged in
13 her order detaining him, had a motive to kill Crystal Quinn.

14 This is the obstructive conduct that Chief Judge Wolford
15 could not have considered in the last hearing, in part because
16 we didn't know it, but also, that would have been inconsistent
17 with her interpretation of the Bail Reform Act, and, in our
18 view, is really material to the issue of detention.

19 He actually calls John Ermin in two different numbers.
20 The first call doesn't seem that it goes through, so he
21 contacts his cousin, John Roncone, or someone law enforcement
22 believes to be his cousin, John Roncone, through Facebook, and
23 asks him what Tommy O's -- that's Mr. Ermin's nickname -- what
24 his number is. He gets the number from John Roncone. And
25 then, he calls Mr. Roncone at the second number shortly

1 thereafter.

2 Those are the three -- four dates that I think illustrate
3 and elucidate for this Court the obstructive conduct; the
4 obstructive conduct that the Grand Jury, at least in
5 considering some of the information, found merited Count 1 of
6 the second superseding indictment.

7 But I would say, Your Honor, that the obstructive conduct
8 that was charged in Count 1, and the dishonest conduct charged
9 elsewhere in the indictment, has only continued. And to see
10 the basis of that, Your Honor need not look further than the
11 Pretrial Services report. So, I would turn the Court's
12 attention to -- and this is the old report. I have the new
13 report with me. Just want to make sure the pages are the
14 same. I would turn the Court's attention to page 3.

15 THE COURT: Of today's report?

16 MS. CHALBECK: Of today's report.

17 THE COURT: Okay.

18 MS. CHALBECK: Page 3 on the bottom left-hand corner,
19 under the section substance abuse.

20 THE COURT: Wait a second. Page 3. Oh, I see it.
21 Okay. It's more in the middle of the page, right?

22 MS. CHALBECK: Yes. I'm sorry, Your Honor. I was --

23 THE COURT: Okay.

24 MS. CHALBECK: -- saying that page 3 is noted in the
25 bottom left-hand corner. Under this -- in the middle of the

1 page, under the section substance abuse.

2 THE COURT: Right.

3 MS. CHALBECK: There is evidence that Mr. Roncone
4 reported to Probation that he consumed cocaine approximately
5 six months ago, and indicated that he only consumed said
6 substance socially a few times in his life. The government
7 has since developed, not since receiving this report, but
8 since receiving initial information, that Mr. Roncone was
9 making statements about his casual cocaine use or his rare
10 cocaine use, that, in fact, and in truth, his cocaine use is
11 more recent and more frequent, and the government has obtained
12 that information from multiple sources.

13 And I would proffer to you today, Your Honor, that the
14 government developed information that, when Mr. Roncone
15 assumed a leadership role in the RBMC Wellsville Chapter
16 clubhouse, the amount of cocaine flowing through that
17 clubhouse increased dramatically.

18 And I guess that maybe some courts would say lying to
19 probation, it happens, but maybe it's not a big deal. It
20 absolutely is a big deal. It's actionable under 18 USC 1001
21 for false statement. Other circuit courts have recognized
22 that and have also recognized that that in itself constitutes
23 obstructive conduct under 18 USC 1503.

24 So, throughout Mr. Roncone's involvement in this case,
25 there has been a pattern of obstruction. It has continued

1 until he has faced charges in this court.

2 And finally, Your Honor, I would conclude by raising, I
3 would say, a very serious and troubling concern that the
4 government just recently learned of. I think, as the Court
5 knows, there have been multiple search warrants executed in
6 this case. And so, there has been a deluge of information.
7 But one of the things that the government has obtained is that
8 on October 24th, again, a pertinent date in this
9 investigation, Mr. Roncone sent an individual connected to
10 this investigation a Facebook Messenger friend request.

11 THE COURT: I'm sorry, a Facebook message what?

12 MS. CHALBECK: Excuse me. A Facebook friend request.

13 THE COURT: Okay.

14 MS. CHALBECK: And Mr. Roncone has known this
15 individual for a long time, never had been friends on
16 Facebook. In that message, rather the message sent by that
17 friend request, is unmistakable. It's, I'm watching you.
18 That is an issue that has animated this case. It goes to the
19 heart of this case from its inception. It's why we're here;
20 witness intimidation, escalating into witness retaliation,
21 escalating into murder. And knowing that the FBI was
22 investigating this person, Mr. Roncone made a decision to send
23 a Facebook friend request to give that unmistakable message.

24 And I think that when you consider conduct on August
25 3rd -- August 2nd and August 3rd, August 8th, and October

1 24th, including that Facebook friend request, as well as
2 Mr. Roncone's obstructive conduct to this Court in false
3 statements made to the probation office, there is not a
4 condition or combination of conditions that can ameliorate his
5 serious risk of obstructing justice.

6 I think Chief Judge Wolford even recognized that when
7 there was a back and forth between Chief Judge Wolford and
8 Mr. Cooper regarding Mr. Roncone's access to cell phones. And
9 she acknowledged it's -- prohibiting him from accessing an
10 internet device is not a 100 percent guarantee. And that
11 comment was made in the context of not considering all of the
12 evidence of obstruction of justice that the government has
13 proffered before Your Honor today.

14 And so, for those reasons, we would submit Mr. Roncone
15 should be detained. There is no condition or combination of
16 conditions that can assuage, at least our concern, that he
17 will continue to obstruct justice if he remains out on
18 release.

19 THE COURT: Okay. Thank you. Before I hear from
20 Mr. Dell, I just -- I have a question. Count 1, the
21 conspiracy count with which he is charged, among others, at
22 page 10 of the second superseding indictment, paragraph 5AI --
23 excuse me. I'm sorry. Page 11, paragraph 5A roman numeral 4,
24 alleges that one of the acts of the conspiracy to obstruct
25 justice was causing the death of Crystal Quinn. Do you see

1 that?

2 MS. CHALBECK: Yes, Your Honor.

3 THE COURT: Is it your position that -- I know your
4 investigation is still underway, but are you contending right
5 now that Mr. Roncone himself was directly involved in her
6 death?

7 MS. CHALBECK: May I consult with a colleague, Your
8 Honor?

9 THE COURT: Yeah.

10 MS. CHALBECK: Your Honor, today I'll note that he's
11 charged in the conspiracy, but we're not contending that he
12 took a specific action that caused Ms. Quinn's death.

13 THE COURT: Okay. All right. Thank you. Mr. Dell?

14 MR. DELL: Thank you, Your Honor. This is the first
15 I heard of any Facebook request. I'm not really sure what
16 she's referring to. I am not in possession of anything with
17 regard to that.

18 And with regard to the government looking at my client's
19 phones, the first time I spoke to him several weeks ago, one
20 of the first things I asked was whether he had a pass code.
21 And he said, I don't have a pass code, and they're welcome to
22 look in my phone. There's nothing in there to connect me to
23 this. So, I don't know why the government couldn't get into
24 his phone last week. It's my understanding, through my
25 client, that there's no pass code or anything like that.

1 So, what we have here is the government looking at his
2 call logs, and looking at his Facebook messages. But what we
3 don't have is the substance of any of these calls. And I
4 would submit that it's all speculation and guesswork as to
5 what those calls were about.

6 And I would submit that it is not at all unusual for
7 friends to talk to each other about shocking events, such as
8 the death of Ms. Quinn across the street from Mr. Knight,
9 about the FBI talking to Mr. Knight. I think it would be
10 unusual if friends didn't talk to each other about such
11 events. And it is pure just guesswork to infer that that
12 means that Mr. Roncone is obstructing justice in any way. And
13 that's my response to the proffer.

14 Now, under the law, the Court knows Mr. Roncone must be
15 released unless he presents a risk of flight or danger. He's
16 already released on conditions, As the Court indicated,
17 significant conditions. I have never seen such severe
18 conditions in my cases. One hundred thousand dollars equity
19 of his father's home, where they're both living right now, and
20 his father is in the courtroom along with his mother, and an
21 additional \$100,000 cash.

22 His internet usage and communications are limited and
23 monitored. And he's not allowed to have a cell phone. And
24 he's not allowed to talk to anybody involved in this case.
25 He's not even allowed to talk to anybody who is a member of a

1 motorcycle club. He has a GPS ankle bracelet on monitoring
2 his location. He's on home detention. He needs Probation's
3 permission to leave his house. For three weeks now --

4 THE COURT: He is allowed to work; correct?

5 MR. DELL: Yes. Yes. He's going to work. For three
6 weeks now, according to Probation, he's been totally
7 compliant. And these conditions, as you know, were set by the
8 Honorable Elizabeth Wolford after about four and a half hours
9 of hearing. Almost all of it dealt with allegations contained
10 in the new indictment, and you just heard from the government
11 that there's no allegation that Mr. Roncone was involved or
12 caused Ms. Quinn's death. I know you --

13 THE COURT: Well, I think that, you know, in
14 fairness, what they're saying now, as I understand it, is they
15 don't have any direct evidence right now.

16 MR. DELL: Right.

17 THE COURT: They may in the future, they may not, but
18 I take -- that's where I leave things.

19 MR. DELL: Oh. My point was, this was fully covered
20 before the conditions of release were set. He was told to go
21 to Probation yesterday and he went. And he was held for the
22 arraignment yesterday afternoon, and then you released him
23 yesterday afternoon, and we thank you. Notably, he came back
24 today on time. He actually came back early knowing that he
25 might be locked up today. So, he's not a flight risk.

1 And he does not have a history of violence. He doesn't
2 have a criminal history. There's no violence from him alleged
3 in the indictment. He was not present at the poker game. He
4 was not present at Gogolack's residence. The case against
5 him, it's guilt by association and guesswork; guesswork about
6 the substance of phone calls with friends about shocking
7 events and these phone calls were found in his logs.

8 He's been released under very stringent conditions since
9 December 21st. The conditions are clearly working. He's 40
10 years old. He's got no history. He's a lifelong resident.
11 He's employed. His family retained an attorney. They posted
12 everything. I am asking the Court to continue the conditions,
13 which are working.

14 MR. COOPER: Judge, can we just respond really
15 briefly to one of the points?

16 THE COURT: Yeah.

17 MR. COOPER: With respect to the comment that friends
18 talk about shocking events, I think, first of all, what I
19 would point out for the Court is that it's an incredibly
20 generous view of the evidence here. And I want to focus just
21 on that 10/24 date.

22 October the 24th, as Ms. Chalbeck spoke about, warrants
23 were executed at Knight's residence and Hinkle's residence. I
24 think it's an important fact to know for the Court that those
25 were actually staggered in a way that the Hinkle search

1 warrant was executed early in the morning, and then later in
2 the morning, the Knight search warrant is executed. So
3 they're not simultaneous.

4 At the time that the Hinkle search warrant is being
5 executed, Frank Knight is home. And, at this point, he's had
6 no law enforcement contact that day. He learns of the warrant
7 being executed at Hinkle's residence. He communicates with
8 Hinkle's wife who is at the residence. And then what does
9 Frank Knight do? He screenshots his communications with the
10 wife and he sends them to this defendant, Mike Roncone. So,
11 he's -- it's this conveyance of information tracking the FBI's
12 investigation from Knight to Roncone.

13 What I think is also a pertinent fact to consider is that
14 the evidence that the government has developed is that, at the
15 same time that that search warrant is being executed at the
16 Hinkle residence, that's the time that this friend request is
17 sent over Facebook. So, it's like the FBI is going, they're
18 doing the search. People are being arrested. And this
19 defendant is sending Facebook friend requests to people that
20 are popping up in the FBI's investigation. It should be clear
21 to the Court what's going on there.

22 And I think that, in the context of all the phone calls
23 and the kind of chains of communication that Ms. Chalbeck has
24 laid out, that the evidence the government has developed of
25 that Facebook friend request, it stands, I think, starkly for

1 what is going on there. FBI shows up. They're searching the
2 house. People are being arrested. And there's a clear
3 message being sent. Frank Knight sends the communication,
4 hey. Here's what's going on at Hinkle's residence. And then,
5 this defendant kind of closes that loop sending the Facebook
6 friend request.

7 So, I -- friends talking about shocking events is one
8 thing. But when you learn information from a person close to
9 a murder investigation and you convey it up to the national
10 president of the Outlaws, I think that that speaks
11 differently.

12 And, as Judge Wolford noted, and, as Ms. Chalbeck noted,
13 the person that he's conveying this information back to, John
14 Ermin, is a person who had an obvious motive to see Crystal
15 Quinn dead. He's sending screenshots of Crystal Quinn's
16 social media. These are things that were not lost on Judge
17 Wolford. And I know Your Honor read the transcript, and so
18 you are familiar.

19 I think it would be a very generous view to say this was
20 friends talking about shocking events. In fact, about two
21 weeks after that October 24th date, after these chains of
22 communication, the Rare Breed Motorcycle Club in Wellsville
23 suspends its Wellsville chapter, shuts it down. And this
24 defendant becomes the vice president in Buffalo. And that's
25 reflected in minutes that were seized from the Rare Breed

1 clubhouse in Buffalo on December 7th.

2 And so, the information is being used in a way to
3 obfuscate the investigation being conducted by law
4 enforcement. It's not just friends talking about shocking
5 events. That's all from the government. Thank you, Judge.

6 THE COURT: Okay. Anything further, Mr. Dell, or no?

7 MR. DELL: Just to add that it's also not necessarily
8 obstruction, either. I mean, at this point, we're just
9 speculating and guessing. And it is friends talking to
10 friends about shocking events, you know? As far as what
11 they're talking about, none of that has been proffered.

12 MR. COOPER: A Grand Jury disagreed with that.

13 THE COURT: Well --

14 MS. CHALBECK: May I make -- I'm sorry, Your Honor.
15 May I make --

16 THE COURT: One final thing and then -- yeah. Go
17 ahead.

18 MS. CHALBECK: I just want to note that that is
19 somewhat belied by the text message Frank Knight made to
20 Mr. Roncone the evening of August 2nd. Frank Knight says, and
21 I think law enforcement's view of this is that this is a coded
22 message, that nothing major happened.

23 So, it's a little inconsistent for Frank Knight to kind of
24 convey that nothing major has occurred; perhaps intimating
25 that a law enforcement investigation into Crystal Quinn's

1 death is not pointing back to the RBMC or the Outlaws on the
2 one hand and then, on the other hand, to argue that it is just
3 friends talking about shocking major developments or events.
4 That's all, Your Honor.

5 THE COURT: Okay. Thank you. As you all know,
6 Mr. Roncone's legally presumed innocent of the charges at this
7 time, but I do consider the weight of the evidence as I am
8 obligated to do under the Bail Reform Act. And I am also
9 obligated to consider all the other factors under the Bail
10 Reform Act, including the fact that has he has no prior
11 criminal record.

12 He is under a series of very stringent conditions right
13 now. He's currently charged now under three counts. Counts
14 25 and 26 were not even discussed today, nor would I expect
15 them to be, because they're essentially the same charges as
16 were lodged in the complaint.

17 The difference between then and now is the conspiracy
18 count in Count 1. He may have been involved in the
19 conspiracy. The government is going to have to prove that.
20 I'm not saying he wasn't. But one thing that, I think -- one
21 of my major concerns, and one of everyone's major concerns, is
22 who, if anyone, was involved in the death of Crystal Quinn?

23 And Government Exhibit 2, which is submitted today by the
24 government, I find interesting in that regard because,
25 according to the government's proffer, Mr. Knight called

1 Mr. Roncone on August 2nd and said a woman died. And on
2 August 3rd, the next day, he sends -- Mr. Roncone sends
3 Mr. Knight a picture of Crystal Quinn and says, is this the
4 woman? That suggests to me he didn't know who it was.

5 I am not determining guilt or innocence. That will be up
6 to the jury. I am only deciding whether the government has
7 shown by clear and convincing evidence that there's a danger
8 to the community or by a preponderance of the evidence that
9 there is a risk of flight.

10 Given that he is -- his release has been secured by
11 \$100,000 cash, and by an additional \$100,000 equity in his
12 father's home, that he's residing in his father's home, that
13 he can't do anything other than go to work, he can't have any
14 membership in any motorcycle organization, he can't have any
15 communication with any other co-defendant in this case, I
16 presume, other than through counsel for purposes of defense, I
17 don't find that those conditions, which have already been
18 imposed, are unsatisfactory to assure me -- reasonably assure
19 me.

20 Nobody is required to guarantee the Court under the Bail
21 Reform Act. It's a -- reasonably assurance me that, if
22 released, he will not pose a risk of flight or danger to the
23 community. I think his hands are sufficiently tied by the
24 conditions that have been imposed that he's got going to be
25 able to engage in any further obstruction of justice, if

1 indeed, he has in the past. And I'm not saying he has or has
2 not, I don't know that.

3 But that's -- the Bail Reform Act requires the Court to
4 look forward, not to look at the past. And, looking forward,
5 under the conditions that have been imposed, I am satisfied
6 that he can be continued to be released on those conditions.

7 One thing I need to address, though, because his father is
8 in the courtroom, and he is surety, and has posted his
9 property, now we have an indictment. And I need to make sure
10 that his father is aware of the indictment and is still
11 willing to abide by the conditions previously imposed,
12 including the security that's been posted, Mr. Dell.

13 So, I am going to ask you if Mr. Roncone is willing to do
14 that, and I am going to ask him.

15 MR. DELL: Yes, Your Honor. You can certainly
16 address him.

17 THE COURT: Can you step forward, sir? Right up to
18 the podium, please. State your name, please.

19 THE WITNESS: John Roncone.

20 THE COURT: And your relation to the defendant?

21 THE WITNESS: I am his father.

22 THE COURT: Okay. And you were present at the prior
23 hearings involving the complaint lodged against your son;
24 correct?

25 THE WITNESS: Yes, sir.

1 THE COURT: And you agreed to post your property to
2 the extent of \$100,000 in equity as security; correct?

3 THE WITNESS: Yes, sir.

4 THE COURT: Where did the other \$100,000 cash come
5 from?

6 THE WITNESS: That came from my son.

7 THE COURT: Okay. Now, he is charged no longer in a
8 complaint, but in an indictment returned by a Grand Jury last
9 Friday. And, in addition to the charges which were lodged
10 against him in the complaint, he's now also been charged in
11 Count 1 of the indictment with conspiracy to obstruct justice.
12 That's a significant addition to the charges that were
13 previously posted.

14 And, being aware of that, if you'd like to see the second
15 superseding indictment if you haven't seen it, or perhaps
16 Mr. Dell has known you, are you still willing to abide by the
17 previously-imposed conditions of release and post that
18 security and act as a custodian of him to advise Pretrial
19 Services and the Court if he violates any of his conditions of
20 release?

21 THE WITNESS: Yes, sir.

22 THE COURT: You are?

23 THE WITNESS: Yeah.

24 THE COURT: Okay. All right. Then on those -- on
25 the continued conditions of release, I will release him again.

1 Now, Judge Wolford signed a release order in the
2 underlying case on December 21st. Those conditions are
3 summarized in today's bail report. Do we need to have a new
4 order of release? I would think that the previously-imposed
5 order can continue in effect.

6 P.O. MAMIZUKA: Judge, I did fill out a new order
7 yesterday. I had Your Honor sign, as well as the defendant,
8 just stating that he was previously -- or that he was ordered
9 released on the previously imposed conditions.

10 THE COURT: Okay. Okay. And, Mr. Roncone, you
11 executed a bond previously, so you are willing to stand by the
12 that bond; correct?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Okay. Is there anything else I need to
15 address today, counsel?

16 MS. CHALBECK: No, Your Honor.

17 MR. DELL: No, Your Honor.

18 THE COURT: All right. Thank you. Thank you, sir.

19 MR. COOPER: Oh, Judge, maybe just the exclusion of
20 time. Earlier --

21 THE COURT: Yes. Paul, I don't know if you were in
22 the courtroom.

23 MR. DELL: No, I wasn't. We would waive a
24 preliminary hearing. I think we have had a more thorough --

25 THE COURT: Well, you can't have a preliminary

1 hearing where there's been an indictment anyway. But, no,
2 Speedy Trial Act -- I've set another proceeding for -- what
3 did I say, January 31st?

4 MS. CHALBECK: January 31st, Your Honor.

5 THE COURT: And that's to set a scheduling order
6 because some of the other counsel are -- the representation
7 situation hadn't been finalized.

8 MR. DELL: You said January 31st?

9 THE COURT: Yeah. What time did we say, Eric?

10 THE CLERK: Two p.m., Judge.

11 MR. DELL: That's fine.

12 THE COURT: And Mr. Roncone is entitled to be here if
13 he wants, or you can waive his appearance. That's up to you.
14 All right. So, time is excluded through the 31st as to the
15 co-defendants and, therefore, it's also excluded as to
16 Mr. Roncone. Do you agree?

17 MR. DELL: Yes, Your Honor.

18 THE COURT: Okay. Thank you.

19 MR. DELL: Thank you.

20 THE COURT: Thank you, all.

21 MS. CHALBECK: Thank you, Your Honor.

22 MR. COOPER: Thank you, Judge.

23 (Proceedings concluded.)
24
25

CERTIFICATE OF TRANSCRIBER

In accordance with 28, USC, 753(b), I certify that this is a true and correct record of the proceedings held in the United States District Court for the Western District of New York before Honorable Magistrate Judge Jeremiah J. McCarthy, on January 10th, 2024.

s/ Megan E. Pelka, RPR

Megan E. Pelka, RPR

Transcriber